REMARKS

In response to the Office Action dated February 23, 2006, claims 1, 10, 19, and 21 have been amended. Claims 1-25 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-25 under 35 U.S.C. § 102(b) as being anticipated by Krsul et al. (U.S. Patent No. 6,829,607).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

The Applicants' invention now has the transaction including an online purchase during the transaction with a financial institution providing credit to the entity purchasing and auditing the acquisition to ensure legitimacy of the acquisition.

Support for these new features can be found at least at lines 10-31 of page 3, lines 23-29 of page 5, and FIGS. 2-7, of the Applicants' original disclosure describes that the "...clearing house 205 comprises a computer-implemented service used to credit an account of the provider 204 in those instances in which the transaction between the entity 202 and the provider 204 is a purchase of a digital product. The credit agency 206 comprises a computer-implemented credit verification service used when a digital product is being purchased by the entity 202. Together, the clearing house 205 and credit agency 206 allow the anonymity service 203 to anonymously fulfill a purchase request from the entity 202." As such, acquisition of a product or service is fulfilled with a credit transaction between the purchaser and the seller and an online purchase facilitated by the financial entity representing the credit of the purchaser, online and during the transaction, **unlike** Krsul et al., which uses off-line transactions.

In contrast, nowhere in Krsul et al. does it disclose the Applicants' claimed acquisition, including an online purchase during the transaction with a financial institution providing credit to the entity purchasing **and** auditing the acquisition to ensure legitimacy of the acquisition. Instead, the Krsul et al. reference discloses "off-line transactions", **not** during the transaction, and **without auditing**, for microtransactions, to reduce overhead and computational costs. In other words, since the size of a microtransaction is very small, they are very sensitive to transaction overhead, both in terms of data requirement and computational cost. Thus, Krsul et al. devised a system to allow off-line transactions with a financial services provider for these

microtransactions (see col. 1, lines 53-60 of Krsul et al.), without auditing. For example, Krsul et al. **explicitly** states that an "...object of the present invention is to allow purchases to occur off-line of a financial services provider," which is the opposite of the Applicants' claimed invention.

Hence, since the cited reference does not disclose all of the elements of the claimed invention, the reference cannot anticipate the claims. As such, the Applicants respectfully submit that the rejection under 35 U.S.C. 102 should be withdrawn.

Further, the Krsul et al. reference **teaches away** from the Applicants' claimed invention. Specifically, as discussed above, Krsul et al. discloses that "...[A]ccordingly, a need exists for a system of electronic payments that permits electronic payments to **occur off-line** of a financial services provider, provides security and low transaction overhead for both buyers and sellers..." for "...allowing buyers and sellers within the system to engage in many electronic microtransactions **off-line of a financial services provider**." [*emphasis added*] (see Abstract, col. 1, lines 54-60 and col. 3 lines, 19-20 of Krsul et al.). Thus, since Krsul et al. requires **off-line** transactions, the device in Krsul et al. would be inoperable or non-functional if an attempt was made to allow online transactions with the financial institution providing credit to the entity purchasing, which is a **teaching away** from the Applicants' claimed invention.

Hence, any attempts in Krsul et al. to perform an online purchase during the transaction with a financial institution providing credit to the entity purchasing, like the Applicant's claimed invention, is against the spirit of Krsul et al. and would render the main functions of Krsul et al. inoperable because Krsul et al. requires **off-line** microtransactions. As such, this "teaching away" **prevents** the Krsul et al. reference from being used by the Examiner. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Therefore, since the above argued elements of the Applicants' claimed invention are not disclosed by Krsul et al. and because Krsul et al. teaches away from the Applicants' invention, Krsul et al. cannot be used as a reference to reject the claims. As such, the Applicants submit that the rejection should be withdrawn. *MPEP 2143.*

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations

that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly **requests** the Examiner to telephone the Applicant's attorney at **(818) 885-1575.** Please note that all mail correspondence should continue to be directed to

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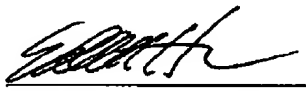
Respectfully submitted,
Dated: May 23, 2006



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